



eDiscovery Tools and FOIA Processing at EPA

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John Moses and Anthony Hudnell



- **EPA**
 - **18,000 Employees**
 - **10 Regions** (*Boston, NYC, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, Seattle*); **HQ** (*Washington*), and **labs** (eg, *Ann Arbor, Raleigh, Las Vegas*)
 - **Mission:** Protect human health and the environmental (e.g., air, water, land, waste, toxic chemicals / pesticides) through regulations, permitting, inspections, enforcement, monitoring, grants/loans, research, oversight, delegation (e.g., States, Tribes, Federal facilities)
- **FOIA at EPA**
 - **Current:** Receive approx. 11,000 FOIA requests annually through HQ & Regions
 - **Current:** National oversight program and centralized FOIA tracking system
 - **Future:** New FOIA system and new eDiscovery tools
- **eDiscovery at EPA**
 - **Current:** About 800 legal holds, distributed across Regions and HQ
 - **Current:** Processing is largely manual and distributed across Regions and HQ.
 - **Future:** Creating Natl eDiscovery service center, automated tools, new policies



- **Effort began in December 2010**
- **Initially involved EPA's Enforcement, Legal, Technology Offices**
- **Later launched Agency-wide Electronic Content Committee with two Work Groups**
 - eDiscovery Workgroup
 - Records Workgroup
- **Major eDiscovery Accomplishments**
 - Drafted new procedures
 - Modeled EPA's "To Be" eDiscovery Business Process - Proactive and Defensive litigation (FOIA processing is already modeled)
 - Piloted powerful search/collection tool (EnCase) in Philadelphia Region
 - Developed and received approval for Agency-wide eDiscovery Service in FY12
 - Key Tools: EnCase; plus Equivio for de-duplication; Relativity for review
 - Staffing: 5 new FTE to support Regional teams and HQ



- **Capabilities**

- Legal Holds

- Stores data & search terms for cases that need to be preserved for legal holds

- Pre-Case Assessment

- Attorneys & technical staff can perform “early collections” to determine potential volume of information collected and to fine tune searches

- Preservation / Collection

- Collects data for selected custodians from desktops, email servers, data / share servers, Documentum, etc.
 - Bit-level collection, forensically and legally sound, robust chain of custody
 - Boolean and configurable search terms, Native format

- Review / Production

- De-duplication, etc



- **Findings**

- Operational and Technical

- Compatible with EPA's infrastructure (requires "plug ins" for some systems)
 - Requires highly trained staff to develop search logic and to perform collections

- Results

- Collections are consistent and legally-defensible
 - Encase found more responsive materials and in more locations (40% more documents/data than a search using current manual methods and tools)

- Implications

- Shifts discovery from a reliance on custodian-based, self-identified searches to an automated searches performed by the tool on all sources

- **Recommendations**

- Adopt EnCase for immediate EPA-wide use

New eDiscovery Service - Objectives



- Build an integrated, centrally accessible content management / eDiscovery solution
 - Utilizes current Agency products in combination with commercial-off-the-shelf (COTS) products
 - Facilitates the sharing of data
 - Automates the preparation, storage, and retrieval of evidentiary or responsive materials
 - Provides a collaborative work environment across geographically dispersed locations

eDiscovery service – Overview of tools and benefits



Current CM Service

Documentum – EPA-wide license (used by OA, OSCPP, Regions, OEI, for content and records)

Email records tool

Agency Records repository (stores records for Grants, Personnel Security, Correspondence, etc.)

Manually search/collect documents (even using tools like SafeCopy)

Manually de-duplicate/sort documents
(e.g., EPA Docket Center manual process of 538,000 email comments takes 3,100 hours)

Manually review/process documents

Enhanced Service

Documentum

- Documentum Support
- Improved email records tool
- Continue to operate Agency Records repository

EnCase

- Centrally manage legal holds
- Search/Collect (fast, meets Court standards, central repository)

Equivio

- De-duplicate/sort (using Equivio to de-duplicate 538,000 email comments took 34 hours)

Relativity

- Enables consistent, accelerated collaborative review

eDiscovery service – Overview of Operations

